

**STATE OF WISCONSIN
GOVERNMENT ACCOUNTABILITY BOARD**

IN THE MATTER OF THE RECALL OF SENATOR DAN KAPANKE,
THIRTY-SECOND STATE SENATE DISTRICT

CERTIFICATE OF SUFFICIENCY AND ORDER

I, Kevin J. Kennedy, Director and General Counsel of the Government Accountability Board ("Board"), pursuant to §9.10(3)(b) of the Wisconsin Statutes, certify that:

1. On April 1, 2011, a petition to recall State Senator Dan Kapanke, from the office of State Senator representing the 32nd Senate District, was offered for filing with the Board pursuant to Article XIII, Section 12 of the Wisconsin Constitution and §9.10 of the Wisconsin Statutes.
2. A minimum of 15,588 signatures of qualified electors of the 32nd State Senate District are required for the Board to file the petition and order a recall election.
3. On April 8, 2011, Dane County Circuit Judge John W. Markson extended the deadline for filing a challenge to the sufficiency of the petition to April 15, 2011, the deadline for rebuttals to challenges to April 22, 2011, and the deadline for certification of the petition by the Board to June 3, 2011.
4. On April 15, 2011, Senator Dan Kapanke filed a challenge to the sufficiency of the petition. The petitioner filed a rebuttal to the challenge on April 19, 2011. Senator Kapanke filed a reply to the rebuttal on April 21, 2011.
5. On May 23, 2011, the Board held a public meeting to review the staff examination of the recall petition and to review the challenge, rebuttal and reply.
6. Based on a careful examination of the recall petition conducted by the Board, including a review of the challenge, the rebuttal, and the reply, the Board found that the petition to recall Senator Dan Kapanke contained 21,776 qualifying signatures of electors of the 32nd State Senate District and, based on that finding, certified that the petition is sufficient to recall Senator Dan Kapanke and order a recall election.
7. In making its determination, the Board specifically adopted and approved the legal analysis and conclusions outlined in the staff memorandum dated May 23, 2011, which is incorporated herein by reference. The Board specifically found that the individual petitioner, Patrick Scheller, completed the registration statement required pursuant to §9.10(2)(d), Wis. Stats., because he had appended the Statement of Intent to Circulate

Recall Petition as a supplement to the GAB-1 Campaign Finance Registration Statement filed by the Committee to Recall Kapanke.

8. The Board hereby files the petition pursuant to §9.10(3)(b), Wis. Stats., and a recall election is ordered this 3rd day of June, 2011.

9. The recall election shall be held on Tuesday, July 12, 2011. If a primary is necessary, the primary shall be held on that date and the recall election shall be held on Tuesday, August 9, 2011.

10. Persons seeking nomination for the recall election may circulate nomination papers immediately upon issuance of this order, and shall file nomination papers containing a minimum of 400 and maximum of 800 signatures of qualified electors of the 32nd State Senate District no later than 5:00 p.m., on Tuesday, June 14, 2011, in the offices of the Government Accountability Board, located at 212 E. Washington Avenue, Third Floor, Madison, Wisconsin.

10. Dan Kapanke shall be a candidate at the recall election without nomination unless he resigns from office not later than June 13, 2011.

Dated this 3rd day of June, 2011 at Madison, Wisconsin

GOVERNMENT ACCOUNTABILITY BOARD

A handwritten signature in black ink that reads "Kevin J. Kennedy". The signature is written in a cursive, flowing style.

Kevin J. Kennedy
Director and General Counsel